

## **REMARKS**

Claims 1 and 8-18 are pending in the application.

By the foregoing Amendment, claims 1, 8, 9, 10, 11, 13, 15, and 17 are amended to change “noble metal filament” to “filament of noble metal alloy,” as discussed below.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Rejection under 35 U.S.C. § 112, ¶ 2**

In paragraph 4 of the Office Action, claims 1, 8-10, 13, and 15 were rejected under section 112, paragraph 2 due to an inconsistency between the preamble and the body of the claim. This rejection is believed to be overcome by the amendment of claims 1, 8, 9, 10, 11, 13, 15, and 17 to change “noble metal filament” to “filament of noble metal alloy.”

### **Rejections under 35 U.S.C. § 103**

#### **1. Claims 1, 2, 8, and 11-18**

In paragraph 7 of the Office Action, claims 1, 2, 8, and 11-18 were rejected under section 103(a) as being unpatentable over Labarte et al. in view of Ogasa. This rejection is respectfully traversed as being based upon references that, alone or in combination, do not teach or suggest the claimed invention.

All of independent claims 1, 8, 9, 10, 11, 13, 15, and 17 are directed to “An article ... made at least in part of fabric woven from filament of noble metal alloy.” The Examiner’s attention is invited to the following definitions from *The American Heritage® Dictionary of the English Language*, Fourth Edition (Copyright 2000 Houghton Mifflin Company):

*Woven*: Past participle of weave.

*Weave*: To make (cloth) by interlacing the threads of the weft and the warp on a loom.

Thus, an article that is made at least in part of fabric woven from filament inherently must have a weft and a warp. The composition of at least one of the warp and weft is recited in each of claims 1, 8, 9, 10, 11, 13, 15, and 17.

In contrast, Labarte et al. is directed to a method of manufacturing jewels of gold or platinum or their alloys using the metal texture called “milanese.” As explained by Labarte et al. at column 1, lines 8-14:

To obtain this texture, coils made from very thin metal wire, of a diameter ranging for example from 0.5 to 0.6 mm, and called “coiled wire” in the trade, are wound with interlaced turns of coils. As in textile articles, these “milanese” strips or tapes comprise two selvages consisting of turns constituting the marginal coiled wires.

Labarte et al. thus clearly does not teach or suggest an article that is made at least in part of a fabric that is woven, as required by all of independent claims 1, 8, 9, 10, 11, 13, 15, and 17.

With respect to the statement in the Office Action that “Labarte teaches a loosely woven metal mesh (Abstract)...,” it is noted that *The American Heritage® Dictionary of the English Language* defines “mesh” broadly as “An openwork fabric or structure.” In other words, “mesh”

does not necessarily imply a fabric that is woven, but merely one that has an “openwork” structure, as is the case with the milanese metal texture.

Osaga was cited as teaching the specific composition of the gold alloy recited in claims 1, 12, 14, 16, and 18. Assuming for the sake of argument that Osaga does in fact teach the gold alloy compositions recited in claims 1, 12, 14, 16, and 18, modifying Labarte et al.’s method to use the compositions taught by Osaga still would not produce the claimed invention, as the resulting article would not be made at least in part of a fabric that is woven.

In view of the foregoing, it is respectfully submitted that the invention as recited claims 1, 2, 8, and 11-18 is patentable over Labarte et al. and Osaga, and that the rejection should be withdrawn.

## 2. Claims 9 and 10

In paragraph 8 of the Office Action, claims 9 and 10 were rejected under section 103(a) as being unpatentable over Akio.

Akio is directed to a cross substrate, method of mounting semiconductor element, and semiconductor device. In the semiconductor device, conductive filaments 20a through 20f form a cross base material 30, and are electrically connected in a one-to-one correspondence with element side electrodes 16 of a semiconductor element 12. The only mention made by Akio with respect to the use of gold or alloy in the composition of the cross substrate is the following description in paragraph 0058:

Further, the material of the conductive filaments 20 is not limited to conductive carbon. Materials which can be used for wires, such as copper, gold, aluminum, various alloys, and the like, can be used for the conductive filaments 20.

Thus, Akio teaches gold and it teaches "various alloys"; Akio does not specify the composition of the "various alloys" and does not in fact teach "gold alloys," as suggested in the Office Action.

In view of the foregoing, it is respectfully submitted that the invention as recited claims 9 and 10 is patentable over Akio, and that the rejection should be withdrawn.

#### Conclusion


All rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: 7/13/04

By: 

**Customer No. 00,136**  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

Allen S. Melser  
Registration No. 27,215